

1900-008 Chancery Causes: Gdn. of Sallie Tutt bc by os. Sallie Tutt &  
Lee Co.

Duff, Roller, Sword, Munsey

CA - Estate Dispute  
T - Property



To the Honorable H.A.W.Skeen, Judge of the circuit court for Lee county, Virginia:

Humbly complaining, your orator, S.M.Tutt, a citizen of the State of Kentucky, respectfully represents unto your honor that he is the legal guardian for Sallie Tutt, S.M.Tutt, Jr., Cordilla Tutt, and Black Hawk Tutt, his infant children by his first wife, now deceased, who was before her marriage was Barbara C.Duff, who was a grand daughter of Phillip Roller; That the said Sallie Tutt is twenty years of age; that the said S.M.Tutt, Jr., is eighteen years of age; that the said Cordilla Tutt is sixteen years of age; and that the said Black Hawk Tutt is fifteen years of age; that the above named infants, together with their sister, Callie Tutt, are the joint owners of a small tract of land, containing about fifty acres, lying on the south side of Wallen ridge, in Lee county, near Rollers chapel, which is almost entirely in woodland, and is all very poor in quality.

Your orator represents that his children and wards have been in possession of said land some seven or eight years, and all the rents he has received were not sufficient to pay the taxes on said land; so that the land instead of being a benefit to them financially, has been a clear loss.

Your orator represents that he has contracted the said land to Mr.E.C.Duff at the price of one hundred and fifty dollars to be paid to him as guardian for said infants, and in addition thereto the said Duff is to pay the costs of this suit and all back taxes and their part of the costs of a suit for partition, so that the \$150.00 will be net to said infants. Respondent represents that this sale is a good one, greatly to the benefit of



said infants, and this suit is brought for the purpose of asking the court to confirm the same. The interests of said infants would undoubtedly be promoted by a confirmation of said sale, and an investment of the proceeds thereof in securities for their benefit in the State of Kentucky where they reside.

And in order that the said sale may be confirmed, your orator prays that the said Sallie Tutt, S.M. Tutt, Jr., Cordela Tutt, Black Hawk Tutt, and Callie Tutt be made the parties defendant to this bill; that they be required to answer the same on oath; that on a hearing the sale herein described be approved and confirmed; and that full general relief be granted.

S. M. Tutt, p.p.

State of Kentucky, County, of Wolfe, to-wit:

I, W. S. Tutt, clerk of the county court for the county and state aforesaid, do certify that S.M. Tutt, as guardian for Sallie, S.M., Cordila, and Black Hawk Tutt, has this day made oath before me that the statements contained in the foregoing bill are true as he verily believes. Given under my hand this the 26 day of July, 1900.

W. S. Tutt cllk

State of Kentucky 2  
Wolfe County 3 sct

By Douglas Evans, D.C.

I W. S. Tutt clrk Wolfe County Court do certify that Douglas Evans is a Deputy clerk of the Wolfe County Court and that his acts are entitle to full faith and credit.

Given under my hand this July 26, 1900

W. S. Tutt Clrk  
Wolfe County Court



S.M. Tutt, Guardian &c.

VS. Bill.

Sallie Tutt et als.



Plffs Costs

Clerk 3.16  
Tax 1.50  
atty 15.00  
Printer 5.00  
G A L 5.00  
N. P. 75-  
wits 1.00

\$31.41

S. M. Tutt, Exor.

vs { Bill in  
Chy.

Sallie Tutt et als.

1900 2nd January rules Bill  
filed & Order of Publication  
for non-residents & Contd.  
for O.P.

" 1st Feby Rules Contd.  
for O.P.

" 2nd Feby rules O.P. Comp.  
lete & Cause & Set for hearing



To the Honorable H.A.W.Skeen, Judge of the circuit court of  
Lee county, Virginia:

The separate answer of Callie Tutt to a bill of complaint  
exhibited against her and her infant brothers and sisters in  
said court by her father S.M.Tutt.

Respondent says that in the event said infants should die be  
fore they attain the age of twenty-one years their estate in said  
land would descend to her, and she believes that their interests  
would be greatly promoted by a confirmation of the contract of sale  
set out in said bill, and is willing and anxious that the same  
shall be confirmed by the court.

She has made conveyance of her interest in said land.

And now having fully answered, respondent prays to be hence  
dismissed with costs &c.

Callie Tutt.



S.M. Tutt, Guardian &c.

vs. In Chancery.

Sallie Tutt et als.

Answer of Callie Tutt.



To the Honorable H.A.W.Skeen, Judge of the circuit court for  
Lee County, Virginia:

The joint and separate answer of Sallie Tutt, S.M.Tutt,Jr.,  
Cordila Tutt, and Black Hawk Tutt, to a bill of complaint filed  
against them in the said court by their father and guardian, S.M.  
Tutt, Sr.

Respondents say that said beel has been read to them and  
they believe that their interest would be promoted by a sale of  
said land in Lee county, Virginia, and an investment of the pro-  
ceeds by their guardian in the State of Kentucky, where they live;  
and from the information they have in regard to the land, they be-  
lieve that the contract of sale made by their father to the said  
E.C.Duff is a good one, and respectfully ask that it be confirmed.

And now having answered as fully as deemed material, res-  
pondents pray to be herece dismissed.

Sallie Tutt.  
S.M. Tutt Jr  
Cordila Tutt.  
Black Hawk Tutt

State of Kentucky, County of Wolfe, to wit:

I, W. S. Tutt, clerk of the county court of  
the county and state aforesaid, do certify that Sallie Tutt, S.M.  
Tutt, Jr., Cordila Tutt and Black Hawk Tutt, whose answer is above  
written, have this day made oath before me in my county aforesaid  
that the statements therein contained are true as they verily be-  
lieve. Given under my hand and seal of office this the 26  
day of July, 1900.

W. S. Tutt clerk  
By Douglas, Evans, d.c.



S.M.Tutt, Guardian &c.

vs. ( In Chancery.

Sallie Tutt et als.

Answer of Sallie Tutt et als.

S. M. Tuttle  
Guardian  
S. M. Tuttle



S.M.Tutt, Guardian & C.

Plaintiff

vs.

(

In Chancery,

Sallie Tutt, S.M.Tutt,Jr.,Cordelia Tutt, Black Hawk

Tutt, and Callie Tutt . . . . . Defendants.

This cause came on this day to be heard upon the bill of the complainant, order of publication duly made, published and posted as to all the defendants, the joint and separate answer under oath of the infant defendants, Sallie Tutt, S.M.Tutt, Jr., Cordelia Tutt and Black Hawk Tutt, the separate answer of Callie Tutt, the joint and separate answer of Sallie Tutt, S.M. Tutt, Jr., Cordelia Tutt and Black Hawk Tutt, infants, by Geo.P. Cridlin, their guardian ad litem, assigned to defend them in this suit, which answer is sworn to, general replication to all of said answers by the complainant, and the depositions of witnesses, and was argued by counsel.

On consideration of all which, the court is of opinion that the contract of sale made by the said guardian of the said infants real estate to E.C.Duff is a good one and beneficial to the interests of the said infants.

It is therefore adjudged, ordered and decreed that the said sale be and the same is hereby approved and confirmed by the court. And in pursuance thereto it is further adjudged, ordered and decreed that L.T.Hyatt, who is hereby appointed a special commissioner for the purpose, do make, execute and acknowledge a deed conveying the said real estate so sold by the said guardian, to the said purchaser, E.C.Duff, with covenants of special warranty, and report his action to the court.

Thereupon the said L.T.Hyatt, special commissioner, filed



his report and said deed therewith, to neither of which there are any exceptions. It is th reupon ordered that the said ~~xxxxxx~~ report and deed be and they are each hereby approved and confirmed by the court; that the said E.C.Duff pay to the said L.T.Hyatt the sum of five dollars for making and executing said deed; that the said E.C.Duff pay to the officers of the court the costs of this suit for which execution may issue;and that this cause be stricken from the docket.



his report and said deed therewith, to neither of which there  
are any exceptions. It is the reason ordered that the said  
deed be confirmed by the court; that the said W.C. Duff pay to the

S. M. Lutt, Exor.  
vs } Decree Final.  
Sallie Lutt et al

Entered on Chy OB.  
Vol 6 P. 441.

Enter this decree

J. A. W. Sherr

Novr. 9<sup>th</sup> 1900.



The depositions of E.N.Sword and others, taken before me,  
*H. C. Goslyn*  
~~C. C. Blum~~, a Notary Public for Lee county, Virginia,  
on the 2<sup>4~~th~~</sup> day of October, 1900, at the office of the clerk  
of the county court for said county, to be read as evidence in  
behalf of the plaintiff in a certain suit in chancery now pend-  
ing in the circuit court of said county, wherein S.M.Tutt, Sr., Gd.  
&c. is plaintiff and Blackhawk Tutt et als are defendants, all  
said defendants being non-residents, and order of publication  
having been duly made against them.

Present: L.T.Hyatt, attorney for the plaintiff.

Geo.P.Cridlin, G.A.L. for infants.

The witness E.N.Sword, being first duly sworn, deposes as  
follows:

Ques.1.--Please state your age, residence and occupation?

Ans.-- Age 49, residence near Roller Chapel and am a  
farmer .

Q,2,-- Are you acquainted with the lands assigned to the heirs  
Barbara C, Tutt in the partition of the lands of Philip Roller  
deceased?

A.-- I am acquainted with the lands .

Q.3.-- How near do you live to them?

A.-- From a quarter to a half mile.

Q.4.-- Please state whether or not in your opinion the interest  
of said heirs would be promoted by a sale of said lands for  
the net sum to them of \$150.00, taking in consideration the  
fact that said children are infants and non-residents of the S  
State of Virginia, and the purchaser of said land assuming the  
costs of the partition suit in which the lands were divided and  
also the cost of this suit?



A.-- I think their interest would certainly be promoted by a sale for the said amount.

Q.5.-- Please state the quality and condition of said land

A.-- The quality of land is not of the best in that neighborhood. There is about eight acres fenced and the balance is lying out, but all that is lying out is not in timber. It is considerably worn. According to my impression now I don't think there is any valuable timber on it.

Q.6.-- Have you any interest in this suit in any way?

A.-- I have not.

And further this deponent saith not.

E. N. Sword.

A.B.Munsey another witness of lawful age being duly sworn deposes as follows:

Q.1.-- State your age, residence and occupation.

A.-- I am 54 years old, reside at Jonesville Va. and am Clerk of the Circuit Court of Lee County.

Q.2.-- Please state whether or not you are acquainted with the lands assigned to the heirs of Barbara C.Tutt in the partition of the real estate of Philip Roller deceased?

A.-- I am, was one of the Commissioners who made the partition.

Q.3.-- Please state whether or not in your opinion the interest of said infants would be promoted by a sale of said land for the sum of \$150.00 and in addition thereto the purchaser to pay the taxes on said land for several years, their proportional part of said partition suit and the cost of this suit?

A.-- I think their interest would be promoted. I think the \$150.00 would be worth more to them than the land here.



Q.4.-- State whether or not you have any interest in this suit?

A.-- I have no interest in it whatever.

Cross-Examination

Q.-- Please state about how many acres there is in said tract of land?

A.-- My recollection is that there is about 38 acres.

Q.2.-- Taking everything in consideration, about how much do you think said land is reasonably per acre.

A.-- To take it on an average, I don't think it is worth more than \$5.00 per acre.

And further this deponent saith not.

A.B. Munsey

Virginia, Lee County to-wit:

I, H.C.Joslyn, a notary public for Lee County Virginia, do certify that the foregoing depositions of E.N.Sword and A.B. Munsey, were duly taken, subscribed and sworn to before me at the time and place and for the purpose mentioned in the caption. Given under my hand, this the 24th day of October, 1900.

H.C. Joslyn N.P.



S. M. Tutt, Ld. & Co.

vs { Depositions

Callie Tutt et al.

Received from H. C.

Joslyn the N. P. before  
whom taken & filed  
October 24<sup>th</sup>, 1900

A. B. Munsey Clerk

Bill of costs:

N. P. - 0.75-

Wits 1.00

\$1.75-



To the Honorable H.A.W.Skeen, Judge of the Circuit Court  
for Lee county, Virginia:

The undersigned reports that pursuant to an order on the  
said court rendered on the 9th dau of November, 1900, in the  
chancery cause therein pending entitled "S.M.Tutt, Guardian &c.  
vs. Sallie Tutt etals." he has made and files herewith the deed  
to E.C.Duff, and herewith files the same for the inspection of  
the court.

Respectfully submitted,

*L.P. Hyatt*

Special Commissioner.



S. M. Lutt, Idre  
vs E. L. Luchy  
Sallie Lutt et als.

Report of Deed

Respectfully submitted,

Special Commissioner.

For the County, Virginia;

To the Honorable H. A. W. Skene, Judge of the Circuit Court



# GUARDIAN'S BOND

## THE COMMONWEALTH OF KENTUCKY.

WHEREAS, S. M. Gutt  
 has been appointed, by the County Court of Wolfe County, and  
 has qualified as Guardian of Callie Gutt 13 years  
 of age the 13 day of aug <sup>1891</sup> ~~a minor,~~  
~~fourteen years of age.~~

Now, we S. M. Gutt as principal,  
 and C. C. Hanks

sureties do hereby covenant to and with the Commonwealth of Kentucky,  
 that said S. M. Gutt

will faithfully discharge the trust of Guardian of said minor in all respects  
 as required by law

Signed this 1st day of February 1892

S. M. Gutt

C. C. Hanks

Attest:

J. B. Hollon Clerk.

A copy attest

W. S. Gutt clk



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# GUARDIAN'S BOND

## THE COMMONWEALTH OF KENTUCKY.

WHEREAS, W. S. M. Tull  
 has been appointed, by the County Court of Wolfe County, and  
 has qualified as Guardian of Ballie Tull  
 a minor, 11 years old the 26<sup>th</sup>  
day of May 1891  
~~fourteen years of age.~~

Now, we W. S. M. Tull as principal,  
 and C. C. Hunter

sureties do hereby covenant to and with the Commonwealth of Kentucky,  
 that said W. S. M. Tull

will faithfully discharge the trust of Guardian of said minor in all respects  
 as required by law

Signed this 1<sup>st</sup> day of February 1892

W. S. M. Tull  
C. C. Hunter

Attest:

J. B. Holloway Clerk.

A Copy attest

W. S. Tull Clerk



1844

1844

of the trust  
of the trust  
of the trust

10 years old the

12 day of June 1844

of the trust  
of the trust

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# GUARDIAN'S BOND

## THE COMMONWEALTH OF KENTUCKY.

WHEREAS, S. M. Zutt  
 has been appointed, by the County Court of Wolfe County, and  
 has qualified as Guardian of S. M. Zutt Jr  
 a minor, 10 years old the  
12 day of Jan'y 1892  
~~fourteen years of age.~~

Now, we S. M. Zutt as principal,  
 and C. C. Hanker

sureties do hereby covenant to and with the Commonwealth of Kentucky,  
 that said S. M. Zutt  
 will faithfully discharge the trust of Guardian of said minor in all respects  
 as required by law

Signed this 1st day of February 1892  
S. M. Zutt  
C. C. Hanker

Attest:

J. B. Hollon Clerk.

A Copy attest

N. S. Zutt Clerk



THE UNIVERSITY OF CHICAGO  
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# GUARDIAN'S BOND

## THE COMMONWEALTH OF KENTUCKY.

WHEREAS,

*S. M. Gutt*  
has been appointed, by the County Court of *Wolfe* County, and  
has qualified as Guardian of *Cordila Gutt*

*the 29<sup>th</sup> day Oct 1891* a minor, *7 years old*  
~~fourteen years of age.~~

Now, we *S M Gutt* as principal,  
and *C. C. Hanks*

sureties, do hereby covenant to and with the Commonwealth of Kentucky,  
that said *S M Gutt*

will faithfully discharge the trust of Guardian of said minor in all respects  
as required by law

Signed this *1st* day of *February* 18*92*  
*S. M. Gutt*  
*C. C. Hanks*

Attest:

*J. B. Hallon* Clerk.

*A Copy attest*

*W. S. Gutt* clk



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# GUARDIAN'S BOND

## THE COMMONWEALTH OF KENTUCKY.

WHEREAS, S. M. Zutt  
 has been appointed, by the County Court of Wolfe County, and  
 has qualified as Guardian of Black Hawk Zutt  
 a minor, 6 years old  
the 15<sup>th</sup> day April 1891  
~~fourteen years of age~~

Now, we S. M. Zutt as principal,  
 and C. C. Hanker

sureties do hereby covenant to and with the Commonwealth of Kentucky,  
 that said S. M. Zutt

will faithfully discharge the trust of Guardian of said minor in all respects  
 as required by law

Signed this 1st day of February 1892  
S. M. Zutt  
C. C. Hanker

Attest:

J. B. Hollon Clerk.

A copy attest

of S. Zutt. Clerk



State of Kentucky 3  
 Wolfe County 3 set

I W S Turt Clerk of the County Court  
 for the County and State of Kentucky  
 do certify that S. M. Turt is Guardian  
 of Callie Turt, Sallie Turt, S M Turt Jr  
 Cordelia Turt, Black Hawk Turt,  
 as shown by the records of my  
 office

Given under my hand this 21 day  
 of December 1849

W S Turt Clerk  
 Wolfe Co Court

State of Kentucky 3  
 Wolfe County 3 set

I G. T. Carter Judge of the Wolfe County  
 Court do certify that W. S. Turt is  
 the Clerk of the Wolfe County Court Ky.  
 and his acts is entitled to full faith  
 and credit

Given under my hand this 21 day Dec 1849  
 G. T. Carter Judge Wolfe

State of Kentucky 3  
 Wolfe County 3 set

I W S Turt Clerk of the Wolfe County  
 Court do certify that G. T. Carter is  
 Judge of the Wolfe County <sup>Court</sup> Ky.

Given under my hand this the  
 21 day of Dec 1849

W S Turt Clerk  
 Wolfe Co Court



In the Clerk's Office of the Circuit Court of the County of  
Lee

S. M. Lutt  
against

Plaintiff

In Chancery

Loallie Lutt et al

Defendant

This day James M Duff personally appeared  
before me, A. B. Munsey Clerk of the said Court,

and being duly sworn, made oath that Loallie Lutt, Sallie Lutt  
S. M. Lutt Jr, Cordelia Lutt + Black-Hawk Lutt  
defendant § in the said suit are not resident § of the State of Virginia,

Given under my hand as Clerk of the said Court, this 18<sup>th</sup> day of January 1900

18. 18

A. B. Munsey Clerk



S.M. Lutt Guard

vs. { AFFIDAVIT FOR ORDER  
OF  
PUBLICATION.

Ballie Lutt et al

L. L. Hyatt p. q.

Filed Jan 18th 1900

A. B. Munsey  
Clerk



In the Clerk's Office of the Circuit Court of the County of  
*Lee* on the *18<sup>th</sup>* day of *January* ~~189~~ *1900*.

*S. M. Lutt, Guardian &c.*

Plaintiff

against

*Callie, Lutt et al.*

Defendant

The object of this suit is to *have the court confirm a sale made*  
*by the plaintiff of the infant defendants' real-*  
*estate lying on the south side of Wallens*  
*Ridge, in Lee County, Virginia*

And an affidavit having been made and filed that the defendant *s. Callie Lutt, Sallie Lutt,*  
*S. M. Lutt, Jr., Cordelia Lutt and Black Hawk Lutt*  
*are* not resident of the State of Virginia, it is ordered that *they* do appear here within *fifteen*  
after due publication hereof, and do what may be necessary to protect *their* interest in this suit. And  
it is further ordered that a copy hereof, be published once a week for four weeks in the *Southwest*  
*Virginian*, and that a copy be posted at the front door of the court-house of this *County*  
on the first day of the next term of the ~~Circuit~~ *County* Court.

A copy—Teste:

*L. Y. Hyatt* p. q.

*A. B. Munsey* Clerk.



*S. M. Lutt Guard*

us. } ORDER OF  
PUBLICATION.  
*Callie Lutt et als*

*Virginia Lee Co To-Wit  
A. B. Munsey Clerk  
of the Circuit Court of  
Lee County Va do hereby  
Certify that I posted  
a copy of the within  
order of Publication at  
the front door of the  
Court house on the  
1st day of the Febur  
term of County Court  
of said County.*

*A. B. Munsey Clerk*



FEE, \$500

jan25 004t.



ORDER OF PUBLICATION.

S. M. Lutt, Guar, & Co.

VS.

IN CHANCERY.

Callie Lutt et als.

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FEE

\$5-00